

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 462 - SB 581

February 26, 2013

SUMMARY OF BILL: Requires any animal seized by law enforcement to be placed with any governmental animal control agency, law enforcement agency (LEA), or their designee. The agency or designee responsible for the animal may petition the court to order the owner of the animal to post security in a sufficient amount to cover payment of all reasonable expenses expected to be incurred by the agency or designee in caring or providing for the animal, pending disposition of the criminal charges. Removes the ability of the court to suspend the posting of security if the owner is classified as indigent.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures – Exceeds \$10,000*

Assumptions:

- Pursuant to Tenn. Code Ann. §39-14-210(f) and (g), currently humane societies are given custody of animals, upon the arrest of persons alleged to have violated this chapter and any governmental animal control agency or humane society can petition the court for an order to post security for all reasonable expenses incurred.
- This bill would ultimately broaden the scope of who is allowed to take custody of seized animals.
- According to the Department of Agriculture, this bill will not fiscally impact the Department.
- In the event an LEA maintains custody of the seized animal, it could result in an increase in expenditures for the LEA, however it is anticipated the LEA will designate another agency currently equipped to house seized animals, such as the humane society or other privately owned shelter.
- It is estimated requiring owners deemed indigent to post security will not result in an increase in the collection of securities owed to the agency responsible for the seized animal.
- Due to multiple unknown factors, including but not limited to, how many animals will be seized by LEAs, what the cost will be for housing seized animals, if the LEA will designate a non-government agency to take custody of the animal, and if any security is recovered from the owner, a precise increase to local government expenditures is indeterminable, however it is reasonably assumed it will exceed \$10,000.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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